



PATENT

Attorney Docket No.: A-58631-5/RFT/DJM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

CHRISTIAN et al.

Serial No. 09/991,262

Filed: November 20, 2001

For: INSECT VIRUSES AND THEIR  
USES IN PROTECTING PLANTS

Examiner: NOT YET ASSIGNED

Group Art Unit: 1638

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner of Patents, Box Missing Parts, Washington, DC 20231 on March 22, 2002.

Signed: Lisa Jeanetta  
Lisa Jeanetta

REQUEST TO USE COMPUTER READABLE FORM OF SEQUENCE LISTING  
FROM ANOTHER APPLICATION

Assistant Commissioner for Patents  
BOX MISSING PARTS  
Washington, DC 20231

Sir:

This request is submitted in response to the Notice to File Missing Parts of  
Nonprovisional Application dated January 22, 2002.

The paper copy of the Sequence Listing information in this application is identical to the computer readable copy of the Sequence Listing information filed in application Serial No. 09/234,238, filed January 20, 1999. In accordance with 37 C.F.R. 1.821(e), please use the last computer readable form of the sequence information filed in that application, dated April 06,

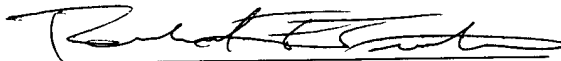
Serial No.: 09/991,262  
Filed: November 20, 2001

2000, as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the instant application. A paper copy of the Sequence Listing from the prior application is included in a separately filed preliminary amendment for incorporation into the specification.

The Commissioner is authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 06-1300 (Our Order No. A-58631-5/RFT/DJM). Please direct any calls in connection with this application to the undersigned at (415) 781-1989.

Respectfully submitted,

Dated: 3/18/02



Richard F. Trecartin  
Reg. No. 31,801

FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP  
Four Embarcadero Center, Suite 3400  
San Francisco, CA 94111  
(415) 781-1989

1077677



**PATENT**

Attorney Docket No.: A-58631-5/RFT/DJM

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Dated: March 22, 2002

Signed: Lisa Jeanetta  
Lisa Jeanetta

**RESPONSE TO NOTICE TO FILE  
MISSING PARTS OF NONPROVISIONAL APPLICATION**

Assistant Commissioner of Patents  
BOX MISSING PARTS  
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application mailed January 22, 2002, enclosed are the following:

1. Copy of Notice;
2. Preliminary Amendment;
3. Request to Use Computer Readable Form of Sequence Listing From Another Application;
4. Check in the amount of \$1234 for the surcharge (\$130.00), and filing fee (\$1104)

computed as follows:

Serial No.: 09/991,262  
Filed: November 20, 2001

(Col. 1) NO. FILED	(Col. 2) NO. EXTRA	SMALL ENTITY RATE FEE	OTHER THAN SMALL ENTITY RATE FEE	
BASIC FEE			\$370	\$740
TOTAL CLAIMS	12 - 20 =	x 9	x 18 =	\$0
INDEP CLAIMS	4 - 3 = 1	x 42	x 84 =	\$84
MULTIPLE DEPENDENT CLAIM PRESENTED		+ \$140	+ \$280	\$280
TOTAL				\$1104

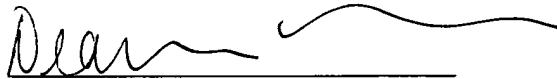
5. Information Disclosure Statement; and
6. Request for Corrected Official Filing Receipt.

The Commissioner is authorized to charge any additional fees, including any extension fees, which may be required, or credit any overpayment to Deposit Account No. 06-1300 (Our Order No. A-58631-5/RFT).

Respectfully submitted,

FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP

Date March 22, 2002



Richard F. Trecartin, Reg. No. 31,801  
Diane J. Mason, Reg. No. 43,777

Four Embarcadero Center, Suite 3400  
San Francisco, California 94111-4187  
Telephone: (415) 781-1989

#1077685



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/991,262	11/20/2001	Peter Daniel Christian	A-58631-3/RFT/RMS/DJM

CONFIRMATION NO. 4471

## FORMALITIES LETTER



\*OC000000007338246\*

RICHARD F. TRECARTIN, ESQ.  
FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP  
Four Embarcadero Center, Suite 3400  
San Francisco, CA 94111-4187



Date Mailed: 01/22/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

04/04/2002 BABRAHA1 00000041 09991262

FILED UNDER 37 CFR 1.53(b)

01 FC:101	740.00 OP
02 FC:105	130.00 OP
03 FC:102	84.00 OP
04 FC:104	280.00 OP

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$880.
  - \$432 for 24 total claims over 20.
  - \$168 for 2 independent claims over 3.
  - \$280 for multiple dependent claim surcharge.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 1750.**
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S.

Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

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*A copy of this notice MUST be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



PATENT APPLICATION  
A-58631-5/RFT/DJM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

CHRISTIAN et al.

Serial No.: 09/991,262

Filed: November 20, 2001

For: INSECT VIRUSES AND THEIR USES IN  
PROTECTING PLANTS

) Examiner: NOT YET ASSIGNED

) Group Art Unit: 1638

) Certificate of Mailing

) I hereby certify that this correspondence, including listed  
) enclosures, is being deposited with the United States Postal  
) Service as First Class Mail in an envelope addressed to:  
) Assistant Commissioner for Patents, Box Missing Parts,  
) Washington, DC 20231 on: March 22, 2002

) Signed: Lisa Jeanetta

Lisa Jeanetta

REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT

Assistant Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, DC 20231

Sir:

Appended hereto is a copy of the Official Filing Receipt for the above-identified patent application, with the errors marked in red. In the Attorney Docket Number portion of the filing receipt, please delete

"A-58631-3/RFT/RMS/DJM" and insert - A-58631-5/RFT/DJM -.

The Commissioner is hereby authorized to charge whatever fee may be necessary to Debit Account No. 06-1300 (Our Order No. A-58631-5/RFT).

Respectfully submitted,

FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP

Richard F. Trecartin, Reg. No. 31,801

Diane J. Mason, Reg. No. 47,086

Date: March 22, 2002

Flehr Hohbach Test Albritton & Herbert LLP  
Four Embarcadero Center, Suite 3400  
San Francisco, CA 94111  
(415) 781-1989

#1077781



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
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09/991,262

11/20/2001

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3/RFT/RMS/DJM  
5/RFT/DJM

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CONFIRMATION NO. 4471

## FILING RECEIPT



\*OC000000007338245\*

RICHARD F. TRECARTIN, ESQ.  
FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP  
Four Embarcadero Center, Suite 3400  
San Francisco, CA 94111-4187



Date Mailed: 01/22/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Peter Daniel Christian, Macgregor, AUSTRALIA;  
Karl Hienrich Julius Gordon, Weston, AUSTRALIA;  
Terry Nelson Hanzlik, Chapman, AUSTRALIA;

## Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CON OF 09/234,238 01/20/1999  
WHICH IS A CON OF 08/440,522 05/12/1995 ABN

## Foreign Applications

AUSTRALIA PL4081/92 08/14/1992

If Required, Foreign Filing License Granted 01/18/2002

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

## Title

Insect viruses and their uses in protecting plants



**Preliminary Class**

800

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

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**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).